IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.300 OF 2007

IN

SUIT NO.3807 OF 2003

Chetna Jayesh Morakhia ...Plaintiff

Versus

M/s.Shanil Builders & Ors. ...Defendants

And

Kutresh Shankrappa Ratareddy ...Respondent

WITH

CHAMBER SUMMONS NO.301 OF 2007

IN

SUIT NO.3808 OF 2003

Jayshree Vinod Shah ...Plaintiff

Versus

M/s.Shanil Builders & Ors. ...Defendants

And

Mr.Chotelal Ramdular Yadav & Ors. ...Respondents

.....

Mr.Rajiv Narula with Mr.Narendra Jain i/b S.K.Jain for Plaintiffs.

Mr.S.A.Sawant for Defendant No.4.

Mr.Kezer Kharawala i/b R.K.Associates for Defendants 5 & 10.

Mr.V.S.Bhadkamkar for Respondents.

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CORAM: A.M.KHANWILKAR, J.

APRIL 19, 2007.

P.C.

1. Heard Counsel for the parties. Perused the pleadings and the relevant documents on record.

2. Having regard to the nature of controversy, it is certain that the Respondents are claiming right in respect of the suit premises through Defendants in the present Suit.

3. If it is so, assuming that the Respondents are not necessary parties but will be proper parties for consideration of claim of the Plaintiffs against the Defendants so as to avoid multiplicity of proceedings, in the interest of

justice, therefore, Chamber Summonses are made absolute in terms of prayer clauses (a) and (b), except the bracketed portion in prayer clause (b) which reads thus :

IN CHAMBER SUMMONS NO.300 OF 2007

"(and Notice of Motion NO.3592 of 2003 and Affidavit in support thereof)"

IN CHAMBER SUMMONS NO.301 OF 2007

"(and Notice of Motion NO.3591 of 2003 and Affidavit in support thereof)"

4. Amendment to be carried out within two weeks from today.

5. It is made clear that the amendment will be without prejudice to the rights and contentions of the parties. It will be open to them to raise all contentious issues on merits interse. All questions in that behalf are left open.

6. Earlier orders granting interim arrangement to continue for a period of two weeks to facilitate the Plaintiffs to take out Notice of Motion for appropriate reliefs against the newly added Defendants and/or other Defendants.

A.M.KHANWILKAR, J.